

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TRUSTEES OF THE OPERATING ENGINEERS
LOCAL 324 PENSION FUND,

Plaintiffs,

v.

BURKE RENTAL SERVICE, INC., a Michigan
corporation,

Defendant.

Case No.: 10-cv-14693
Hon. Patrick J. Duggan

_____/

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DEFAULT JUDGMENT AGAINST
DEFENDANT BURKE RENTAL SERVICE, INC.

At a session of court held in the City of Detroit,
Wayne County, Michigan, on May 19, 2011.

PRESENT: Hon. Patrick J. Duggan
U.S. District Court Judge

This matter having come before the Court upon Plaintiffs' Motion for entry of Default Judgment against Defendant Burke Rental Service, Inc.; Plaintiffs' counsel having appeared in Court for a hearing on the motion on May 19, 2011 at 2:00 p.m.; Plaintiffs' counsel having served notice of the hearing by mail on Defendant Burke Rental Service, Inc. on April 25, 2011; Defendant Burke Rental Service, Inc. having failed to appear for the motion hearing; Defendant

Burke Rental Service, Inc. having failed to respond or otherwise defend this matter; and, the Court being otherwise fully advised in the premises;

IT IS ORDERED that Plaintiffs' motion is granted and Default Judgment is entered against Defendant, BURKE RENTAL SERVICE, INC., in the amount of \$910,936.64, which is calculated as follows:

- A) withdrawal liability in the amount of \$715,579.00;
- B) interest on the unpaid contributions in the amount of \$75,914.78 - 29 USC §1132(g)(2)(B);
- C) liquidated damages in the amount of \$116,529.86; and,
- E) reasonable attorney fees, audit fees and costs of collection in the amount of \$2,913.00 pursuant to 29 USC § 1132(g)(2)(D) and the Collective Bargaining Agreement.

IT IS FURTHER ORDERED that jurisdiction of this matter be retained pending compliance with the court's order.

s/Patrick J. Duggan
Patrick J. Duggan
United States District Judge

Dated: May 19, 2011

I hereby certify that a copy of the foregoing document was served upon counsel of record on Thursday, May 19, 2011, by electronic and or ordinary mail.

s/Marilyn Orem
Case Manager

Judgment Prepared by:

Matthew I. Henzi P57334
Attorney for Plaintiffs